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C O N F I D E N T I A L SECTION 01 OF 02 PRISTINA 000813

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DEPT FOR DRL, INL, AND EUR/SCE, NSC FOR BRAUN, USUN FOR
DREW SCHUFLETOWSKI, USOSCE FOR STEVE STEGER

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TAGS: [PGOV](#) [PREL](#) [KDEM](#) [UNMIK](#) [YI](#)

SUBJECT: KOSOVO: AMB. WILLIAMSON URGES COOPERATION AND
CAPACITY-BUILDING ON WAR CRIMES PROSECUTIONS

REF: PRISTINA 765

Classified By: COM TINA S. KAIDANOW FOR REASONS 1.4 (B) AND (D).

11. (U) SUMMARY: In meetings with both international and Kosovar actors in the justice and political sectors, Ambassador-at-Large for War Crimes Issues Clint Williamson stressed the need for continued Kosovar and international focus on addressing outstanding war crimes cases. In a two-day visit to Pristina, Williamson called for regional cooperation in war crimes prosecution and a greater international emphasis on capacity-building for emerging Kosovar institutions. In discussing war crimes issues, Ambassador Williamson broached a broader range of rule of law themes that are emerging as critical challenges for Kosovo's transition. END SUMMARY.

12. (U) Ambassador-at-Large for War Crimes Issues Clint Williamson visited Pristina on September 15-17. He was accompanied by Special Assistant Matthew Lavine and Embassy Zagreb FSN Dubravko Bolsec. The group met with the Minister of Justice, the Chief Justice of the Supreme Court, the UN Director of the Department of Justice (DOJ), the Deputy Commissioner of the Kosovo Police Service (KPS), the head of the European Union Planning Team (EUPT), the UN Police Commissioner, the Deputy UN SRSG, and the Political Advisor to the Commander of KFOR.

More Work Needed on General RoL and War Crimes Issues in Kosovo

13. (C) The meeting with UNMIK DOJ Director Al Moskowitz underscored the complexities of war crimes prosecutions in the Balkans and the need for more work on broad RoL issues to create a better climate for prosecutions of war crimes and other sensitive cases. Moskowitz reiterated concerns he expressed to USOP prior to Williamson's visit (see reftel), including the difficulty of prosecuting suspected Serb war criminals who are now in Serbia due to legal barriers to extradition; the risk of escalating tension during final status negotiations by going after suspected Albanian war criminals; the reluctance of witnesses to come forward with no real witness protection program in place; and local judges and prosecutors' unwillingness to take on tough cases.

Williamson urged Moskowitz to work toward greater regional cooperation on these issues, particularly with Serbia, and suggested the October prosecutors' conference as a starting point.

¶4. (C) In a meeting with EUPT Head Casper Klynge, Ambassador Williamson discussed the appropriate EU transitional role on war crimes issues. While war crimes prosecutions in Kosovo have largely stalled under UNMIK, Klynge indicated that the EU will engage on war crimes issues. Nevertheless, based on the current EU plans he shared with Williamson, the EU follow-on mission's approach differs little from UNMIK's. It will likely feature an "executive policy unit" with international judges and prosecutors for sensitive areas, including war crimes, ethnically-motivated crimes and organized crime. Capacity-building for the Kosovars was notably absent from the formula, as was any capacity to resolve missing persons cases. Williamson made clear our belief that the EU should make these priorities.

Kosovar Officials Express Frustration with UNMIK and Desire to Have More Responsibility

¶5. (C) While UNMIK and the EUPT have focused little on capacity-building with respect to sensitive crimes and war crimes, meetings with Kosovo Police Service (KPS) Deputy Commissioner Sheremet Ahmeti and Minister of Justice Jonuz Salihaj revealed that Kosovars say they are frustrated with UNMIK precisely for not letting them take on more responsibility. Ahmeti said that the KPS would like to take on tougher issues, and that his service needs the UN to monitor and mentor them, but not to do their jobs. Salihaj echoed Ahmeti's sentiments. While acknowledging that he has

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very good cooperation with Moskowitz and UNMIK DOJ, Salihaj said he is "not satisfied at all" with UNMIK and believes the Ministry of Justice (MOJ) could be much more effective on many RoL issues. However, UNMIK Police Commissioner Stephen Curtis cautioned that while Ahmeti, Salihaj and some others in the upper levels of the KPS and MOJ may wish to tackle the tough cases, the same may not be true for many of the mid- and low-level KPS and MOJ officials.

Hope for Engaging Belgrade

¶6. (C) With respect to cooperation with Serbia on war crimes, Curtis and COMKFOR Political Advisor Romuald Pichard were cautiously optimistic. Both agreed that the new Serbian war crimes prosecutor, Vladimir Vukcevic, was an effective and well-intentioned interlocutor. Curtis also mentioned that UNMIK Police and Serbian Police are meeting every other month to discuss war crimes issues. The meetings are working-level with no barriers, and will soon include the EUPT. Curtis also offered to start including Ambassador Williamson's regional representative. Pichard noted the French and their EU partners have begun to apply stronger pressure to Belgrade on war crimes issues, and half-jokingly expressed fear that the United States would adopt a weaker stance on conditionality. He quipped, "Hey, you are getting more French than the French."

Comment

¶7. (C) At a time when everyone in Kosovo is concentrating on the final status process, Ambassador Williamson succeeded in reminding Kosovar and international community RoL and justice sector officials of the importance of resolving war crimes issues. While war crimes remain a uniquely difficult challenge, the means to prosecute offenders will rest on the same pillars as the broader set of RoL goals: independent judges and prosecutors backed up by professional police work. Whether it is Kosovars, internationals, or a mix of both, we will continue to advocate on behalf of transitional justice in Kosovo. End comment.

¶8. (U) Ambassador Williamson cleared this cable after his departure.

¶9. (U) U.S. Office Pristina clears this cable for release in its entirety to U.N. Special Envoy for Kosovo Martti Ahtisaari.

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